IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 2556 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ASHOKKUMAR MANILAL SHAH & 1 - Appellant(s)
Versus
JATINKUMAR ASHOKBHAI SHAH & 3 - Defendant(s)

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Appearance :
MR MTM HAKIM for Appellant(s) : 1 - 2.
RULE SERVED BY DS for Defendant(s) : 1,3 - 4.
MR SHALIN N MEHTA for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 12/10/2007

ORAL JUDGMENT

1. The present First Appeal is against the interim award passed by the Tribunal for interim

compensation, whereby the application of the claimant is rejected.

2. Upon hearing the learned counsel for the appellant and for the respondent insurance company, it appears that the main claim petition is of the year 2002, and no useful purpose would be served in examining the question which are raised in the present appeal at this stage for the entitlement of interim compensation as per the provisions of the Motor Vehicles Act and it would be just and proper to direct the Tribunal to decide the main claim petition within some reasonable time.

3. Under these circumstances, the present First Appeal is disposed of with the direction that the main claim petition shall be disposed of as early as possible, preferably within a period of six months from the receipt of the order of this Court. It is made clear that all contentions of both the sides shall remain open and the Tribunal shall decide the matter independently without being influenced in any manner by any of the observations made in the impugned Award for interim compensation.

(JAYANT PATEL, J.)

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